United Nations CRPD/C/SR.189

Convention on the Rights of Persons with Disabilities

Distr.: General
16 April 2015

Original: English

**Committee on the Rights of Persons with Disabilities**
**Thirteenth session**

**Summary record of the 189th meeting**
Held at the Palais Wilson, Geneva, on Thursday, 9 April 2015, at 10 a.m.

*Chairperson*: Ms. Cisternas Reyes

## Contents

Consideration of reports submitted by States parties under article 35 of the Convention (*continued*)

*Initial report of Mongolia* (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages of the United Nations. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of the present document* to the English Translation Section, room E.6040, Palais des Nations, Geneva (trad_sec_eng@unog.ch).

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.15-07527 (E) 150415 160415

*1507527*

Please recycle

*The meeting was called to order at 10 a.m.*

**Consideration of reports submitted by States parties under article 35 of the Convention** (*continued*)

*Initial report of Mongolia* (continued) (CRPD/C/MNG/1; CRPD/C/MNG/Q/1 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Mongolia took places at the Committee table.*

2. **Ms. Batdulam** (Mongolia) said that her Government had played an active role in the third United Nations World Conference on Disaster Risk Reduction in Sendai City, Japan, in March 2015 and had implemented numerous measures to ensure that its national emergency response plan took account of the specific needs of persons with disabilities, including the introduction of mobile emergency alert applications for deaf and hearing-impaired persons, the launching of an emergency information hotline and the provision of disaster preparedness leaflets in accessible formats. It had also conducted a series of public awareness-raising campaigns regarding the main actions required to protect vulnerable groups in an emergency.

3. With regard to the issue of strengthening the capacity of legal institutions, she said that members of the national police force and the judiciary had held several meetings to determine the best methods to promote the rights of persons with disabilities and facilitate their effective role as direct and indirect participants in legal proceedings. The Government had also devised training guidelines for judges and magistrates regarding access to justice for persons with disabilities.

4. Concerning the availability and accessibility of assistive technologies, the Government had introduced specific social protection legislation to provide for subsidized orthopaedic and prosthetic devices for persons with disabilities and free devices for children under the age of 18. The National Rehabilitation and Development Centre also provided wheelchairs. Currently, many assistive technologies were manufactured and assembled abroad, but efforts were under way to establish factories capable of assembling wheelchairs in Mongolia in the near future.

5. Lastly, she confirmed that measures had been introduced to return children with disabilities living on the streets to their families and home communities. In cases where children could not be reunited with their family, they were placed in foster care or children's homes. Children with disabilities made up 10 per cent of the total of 300 children living on the streets.

6. **Ms. Oyunkhand** (Mongolia) said that there were around 5,000 persons with psychosocial disabilities in mental health facilities. The Government had recently established several local mental health centres so that over half of patients requiring institutional mental health care could receive treatment close to their homes. It had also introduced a mentor system for persons with psychosocial disabilities to provide support and enable them to live independently. Public mental health awareness-raising campaigns had been conducted on a regular basis and the forced treatment of persons with psychosocial disabilities was used only in situations where they represented an immediate danger to themselves or others.

7. **Mr. Munkhbaatar** (Mongolia) said that the Government had invested in several accessible buses for persons with disabilities at a cost of around US$ 300,000 for each vehicle in an effort to improve the accessibility of the national public transport system. Work had also begun on building a new international airport that met international universal accessibility standards. As to the composition of the delegation, it comprised

members of Government and representatives of policy advisory groups, including civil society representatives.

8. **Ms. Batdulam** (Mongolia) said that steps had been taken to facilitate the participation of persons with disabilities in political and public life and to ensure that voting procedures, facilities and materials were appropriate, accessible and easy to understand and use. Polling stations had been equipped with assistive voting devices and ballot papers in Braille and easy-to-read formats were provided upon request.

9. As to freedom from exploitation, violence and abuse, 120 cases of violence against persons with disabilities had been brought before the courts in the past five years. Most of those cases had been heard in camera, but efforts were under way to ensure that all cases of violence against persons with disabilities were held in public session in order to improve judicial transparency. Some 36 children with disabilities had been abused by their parents or guardians in 2013. No data were available on the number of women and girls with disabilities that had been subjected to domestic violence or abuse. Persons with disabilities who had been victims of offences were eligible for compensation on an equal basis to others, pursuant to the Criminal Code, although there were still some accessibility issues that hindered persons with disabilities from claiming redress.

10. **Ms. Tsolmon** (Mongolia) said that the Government had devoted considerable efforts to making all court-houses accessible for persons with disabilities and had provided procedural and age-appropriate accommodations in order to facilitate their access to justice, such as the provision of sign interpretation during court proceedings and free legal aid for vulnerable persons who could not afford to hire a lawyer. Currently, 13 out of 24 court-houses conformed to international universal accessibility standards. There were no restrictions on persons with disabilities becoming judges or lawyers if they could fulfil the required functions of the role. There were currently six judges with disabilities working in the judiciary. Persons with disabilities made up 2.5 per cent of the prison population. There were currently a total of 167 prisoners with disabilities, comprising 152 men and 15 women. Their offences ranged from murder and aggravated bodily harm to fraud. Efforts had been made to provide adequate health care, assistive technologies and prison employment options to prisoners with disabilities and some 99 prisoners with disabilities had been assigned prison work placements in 2014. The Government recognized that some prisons failed to meet accessibility standards and intended to build fully accessible prisons in the future. Guardianship arrangements for persons with disabilities were regulated by law and abuses of guardianship authority were taken very seriously by the courts.

11. **Ms. Danika** (Mongolia) said that efforts had been made to increase the number and range of television and radio programmes available to persons with disabilities. The Government had amended national broadcasting legislation to increase the mandatory number of television and radio programmes broadcast in accessible formats and had worked with private satellite operators to provide more accessible programmes, which had proved very useful for persons with disabilities living in nomadic communities in rural and remote areas. The National Broadcasting Service had also introduced a number of programmes in International Sign format in 2012 and intended to steadily increase the number of accessible programmes it offered over the coming years. Steps had also been taken to improve Internet availability for persons with disabilities to facilitate their access to information.

12. **Ms. Batdulam** (Mongolia) said that persons with disabilities enjoyed equal recognition before the law and could exercise their right to own or inherit property, to control their own financial affairs and to have equal access to bank loans, mortgages and other forms of financial credit on an equal basis with others. The Government acknowledged the prevailing physical and cultural barriers that hindered the exercise of

those rights by persons with disabilities and had taken steps to provide access to the support that persons with disabilities might require in exercising their legal capacity in those areas.

13. With regard to access to education, children with disabilities had the right to attend mainstream schools in their local area on an equal basis with other children. Given that Mongolia was a large and sparsely populated country, the Government had launched joint multidisciplinary programmes with local authorities and civil society organizations in an effort to provide the necessary community-based support required by persons with disabilities to live independently in the community. Steps had also been taken to ensure access by persons with disabilities to adequate community-based health and rehabilitation services.

*Articles 21–33*

14. **Ms. Kingston** asked whether there were any plans to formally recognize sign language and to increase its use in television broadcasts. Notwithstanding the fact that a national programme for inclusive education had been adopted, the Committee had heard from civil society organizations that little had changed and that in rural areas up to 70 per cent of children with disabilities had no access to education and limited access to health services. It was commendable that the State party had ratified all the relevant conventions of the International Labour Organization and revised the Labour Law to make it more inclusive, but she asked how those measures had been reflected in practice. The Committee was concerned about the fact that a number of professions or occupations were specifically designated for disabled persons under the law, which limited the freedom of choice of jobseekers with disabilities. Persons with disabilities were reportedly channelled into vocational training classes that were separate from mainstream classes.

15. Noting that the State party had reported that persons with disabilities accounted for some 3.2 per cent of the population, she asked whether that figure was an underestimate. The delegation should explain how the Government collected and disseminated disaggregated data and statistics, whether persons with disabilities were involved in such processes and whether they had access to the information in question. She asked whether the Government could engage more broadly with multilateral agencies and international non-governmental organizations (NGOs) so as to benefit from their expertise and ensure better compliance with the Convention in the implementation of projects. The Committee would like to hear about the implementation of the Millennium Development Goals related to the rights guaranteed under the Convention. Was there an independent monitoring mechanism that checked on compliance?

16. **Mr. Tatić**, noting that, according to the State party report, children with minor disabilities could be enrolled in mainstream kindergartens, asked whether that meant that those with more serious impairments were excluded and, if so, whether there were any plans to address the problem. Did the State party intend to amend the law on education to include a legal obligation to provide for inclusive education and reasonable accommodation? He also asked what action would be taken to ensure that tourism in Mongolia would be accessible for all.

17. **Mr. Al-Tarawneh** said that it was not always necessary to replace existing vehicles or facilities to accommodate persons with disabilities and that the equipment currently in use could often be appropriately retrofitted. The State party should draw up a national disability strategy to address issues such as accessibility, health, education, employment, independent living and political participation. While progress could be gradual in those areas, it was of the utmost importance to ensure an inclusive approach.

18. **Mr. Lovászy** said, with reference to article 8, that the proclamation by the State party of a "day of early detection and intervention in developmental impairments" might

reflect a non-inclusive strategy, at variance with the Convention, and he asked whether the International Day of Persons with Disabilities was celebrated in Mongolia. The delegation should describe what mechanism was used to monitor the implementation of the right of children with disabilities to obtain an education and how their parents were involved in relevant decisions. The National Rehabilitation and Development Centre reportedly promoted vocational training for children and adults with disabilities but restricted such action to seven vocational fields. The delegation should explain how those fields were selected, by whom, and on the basis of what assumptions. Did the Government have a strategy for greater inclusion of deaf and hard-of-hearing children in vocational training activities? Noting that, under the law, enterprises with more than 25 employees were obliged to employ persons with disabilities, he asked what specific measures were accessible to disabled persons who wished to ensure that they were provided with reasonable accommodation and whether there was a public catalogue of available tools for that purpose. If so, how many persons with disabilities had benefited from such tools? Lastly, he asked whether the Government provided any tax incentives for the employment of persons with disabilities.

19. **Ms. Peláez Narváez**, asking a follow-up question related to access to justice, said that she had recently heard a report about a 4-year-old girl who had apparently been beaten to death by her biological father and her stepmother. Custody of the child had been awarded to the father, disregarding the wishes of the girl and over the objections of her biological mother, as the mother had a physical disability and the judge had considered her unable to raise the child. The delegation should inform the Committee what kind of training was given to members of the judiciary so that they would take into account all the rights accorded explicitly or implicitly under the Convention relating to the custody and guardianship of children, especially for mothers with disabilities. In the case in question, he asked whether the Mongolian justice system would provide any compensation to the bereaved mother.

20. By law, measures could be taken to prevent the conception of children by persons with genetic or other psychosocial or intellectual impairments. A decree issued as late as 2014 stipulated that pregnant minors were allowed to request abortions, provided they did not have disabilities, in which case the decision was to be made by the person with custody or parental authority. Under the law governing abortion, a medical decision could be taken to abort a child carried by a woman with psychosocial or intellectual disabilities, without the woman's consent. She asked when the State party would repeal those provisions and what measures it would take to ensure that all women with disabilities had the right to free and informed consent and to the enjoyment of sexual and reproductive rights on an equal basis with others.

21. **Mr. Ruskus** asked whether mainstream education teachers were trained to work with children with disabilities and, if so, in what contexts. Was inclusive education included as a subject in teacher training programmes? The delegation should inform the Committee how many teachers had received such training and describe the Government's strategy to develop it both in the capital and in more remote areas.

22. **Mr. Kim** Hyung Shik (Country Rapporteur) asked whether the services provided for the health, education and vocational rehabilitation of persons with disabilities were predominantly medical in nature and whether there were any local projects for the provision of such services in the context of community-based rehabilitation. The delegation should describe the extent of such rehabilitation services and inform the Committee how the agencies providing them collaborated with government statistical bodies. Were data-collection methods standardized?

23. The State party report mentioned certain specific working conditions for persons with disabilities, including reduced working hours and increased vacation time. Such

protective and paternalistic measures could discourage the hiring of beneficiaries and lead to discrimination against job applicants with disabilities. It would be interesting to hear what percentage of employers met the obligation to hire a quota of employees with disabilities. When employers failed to meet the quota, how were the fines collected and how were the proceeds put to use? Noting that the Government had made a genuine effort to ensure that persons with disabilities would not live in poverty, he asked to what extent the monthly allowances and assistance were effective in meeting basic needs.

24. **Mr. You** Liang noted that, under Mongolian law, employers who did not meet their quotas for employees with disabilities had to contribute to an employment promotion fund and that many employers opted to pay the penalty rather than hiring the intended beneficiaries. It was therefore for the Government to play a leading role in hiring such employees. How many persons with disabilities were employed by the Government? After remarking that Mongolia was renowned for its vibrant culture, and specifically its rich tradition of dance and song, he asked what efforts were made to tap the potential of persons with disabilities and ensure that they were able to partake fully in such activities.

25. **Ms. Degener** asked whether segregated education was considered a form of discrimination under Mongolian law and whether blind and deaf children in the mainstream education system were provided with Braille and sign-language resources. While it was laudable that the Government had adopted the concept of community-based rehabilitation, that approach tended to make persons with disabilities over-reliant on rehabilitation.

26. **Mr. Langvad** noted that persons with disabilities could be the subject of medical experimentation against their will, if their guardians gave their consent. No law or regulation provided a framework for obtaining the free and informed consent of individuals with disabilities or defined responsibility for the oversight of such procedures. The Committee would like to know what efforts were being made to repeal provisions allowing third-party consent and to adopt clear laws governing the free and informed consent of persons with disabilities when they received treatment. The State party should train health professionals to make them aware of their obligation to obtain the consent of the individuals concerned, in particular in cases of sterilization, abortion and medical experimentation.

27. The Committee would also like to find out what efforts were being made to bring social benefit payments into line with minimum wages and standards of living and to develop and implement compensation schemes to cover disability-related extra expenses, in particular for persons who had disabilities since birth. What special measures were being taken to ensure that persons with disabilities in rural areas received the same social welfare benefits and support as those in cities?

28. **Mr. Buntan** noted that in Asian culture it was often the case that relatives from the extended family provided care for family members with disabilities. In such cases, it was no doubt more difficult than elsewhere to eliminate the idea of guardianship The question was how to transform the love and care of the extended family in such cultures from a supervisory or dominating approach to a more supportive or advisory one.

29. He asked whether the delegation could cite any successful cases in which community-based rehabilitation services had allowed persons with disabilities to live independently within the community. He also asked whether any progress had been made in conferring legal status upon Braille and sign language, which would be key to ensuring the sustainability of many types of services. How did the Government understand, interpret and apply the concept of an inclusive education system?

30. While no laws restricted the rights of persons with disabilities to vote or take part in politics, the delegation should inform the Committee whether any affirmative measures had been adopted to promote such participation in the mainstream political process. He asked

whether the policy committee under the Ministry of Population Development and Social Protection worked only within the context of that body or whether it had a mandate for the coordination of actions taken by a number of government ministries. To ensure the effective implementation of the Convention, focal points and independent monitoring mechanisms should have a mandate that transcended divisions between ministries and departments. In that connection he asked whether National Commission on Human Rights had an official role as a monitoring mechanism and what ensured its independence. He also asked whether the Government had established any infrastructure to support representative civil society organizations defending the interests of persons with disabilities.

31. **Mr. Basharu** noted that there were discrepancies between the numbers provided by various governmental and non-governmental sources for the population living with disabilities in Mongolia, with figures ranging from 80,000 to over 110,000, and he wondered to what extent persons with disabilities and their representative organizations were involved in the collection and collation of such data.

32. **Mr. Pyaneandee** asked what the State party proposed to do to provide a coordination and monitoring mechanism to mainstream disability issues, what could be done to strengthen the position of the National Commission on Human Rights so that it could effectively defend the rights of persons with disabilities under the Convention and help them obtain effective remedies and how such persons would be involved.

33. **Ms. Pavey** said that the questions she had prepared had been asked by fellow Committee members. She therefore wished only to express her gratitude for the input from the country's civil society organizations, commend the Mongolian Government for the large number of women in its delegation, which was greater than that of any other delegation appearing before the Committee, and urge it to make every effort to preserve a nomadic culture that other countries, her own included, had long since abandoned.

34. **Mr. Babu** asked whether HIV/AIDS infection rates had changed since 2009, the last year for which he had seen figures. He wished to know whether Mongolia had programmes for persons with HIV/AIDS and, if so, whether those programmes took the needs of persons with disabilities into account. Regarding article 29, he asked whether persons with psychosocial disabilities were still denied the right to vote. Lastly, he said he would appreciate information on any plans to set up an interministerial commission to coordinate work related to the implementation of the Convention.

35. **The Chairperson**, speaking in a personal capacity, asked how the State party ensured that deaf-blind persons could exercise their right to receive and impart information. Regarding the State party's obligation to take measures to eliminate discrimination in matters relating to marriage, she noted with concern that a bill currently under consideration would apparently deprive persons with psychosocial or intellectual disabilities of their right to marry. In addition, she wished to know whether the Government had developed an action plan to provide high-quality inclusive education and whether it was considering a constitutional reform to allow wards to exercise their right to vote.

*The meeting was suspended at noon and resumed at 12.15 p.m.*

36. **Ms. Tuya** (Mongolia) said that all persons in Mongolia were entitled to education. Indeed, schooling was compulsory up to the age of 16 and the Government was well aware that it was under an obligation to ensure that schools were accessible to children with disabilities. In 1995, guidelines had been drawn up regarding schoolchildren with hearing and visual impairments. New guidelines, taking broader approaches to disabilities and special aptitudes, had been developed more recently. In 2008, three government ministries, including the Ministry of Education, Culture and Science, had set up a joint programme to ensure that the demand for education for children with disabilities could be met. The programme's aims included integrating children with disabilities into mainstream

kindergartens, increasing the availability and use of assistive devices and creating an environment favourable to the development of inclusive education. The first phase of the programme had been a success, but there were still challenges, particularly in rural areas. The second phase, planned for the period 2015–2018, would focus on children who had dropped out of school, especially those with visual and hearing impairments.

37. In addition to the problems of reaching children in remote areas, there were other obstacles to including students with disabilities in mainstream schools, including a shortage of properly trained teachers and negative views of the abilities of children with disabilities. In years past, teachers had received special training in the former Soviet Union or elsewhere in the Eastern bloc, but those teachers, who taught mostly in the special schools in Ulaanbaatar, were reaching retirement age. In response, the Ministry of Education, Culture and Science was developing curricula for courses on teaching children with disabilities and had organized a one-year training programme for persons interested in teaching children with disabilities. Special-education teachers had been listed as one of the 20 professions for which demand in Mongolia was highest. Teachers could currently take part in exchanges with their counterparts in the Republic of Korea, and every year the number of teachers qualified to work with children with disabilities increased. According to figures from the Ministry, 67.5 per cent of children with disabilities attended mainstream schools.

38. A special fund provided monetary aid to the parents of children with disabilities, and students with disabilities attending institutions of higher learning were granted tuition waivers. A three-year project to develop and highlight the gifts of children with disabilities had been carried out in the capital of the country and in the interior. It had been a great success.

39. **Ms. Oyunkhand** (Mongolia) said that in 2011, for the first time, Mongolian law had established a framework for the provision of rehabilitation services to persons with disabilities. The framework made it possible for the authorities to provide material assistance to rehabilitation centres located throughout the country. Courses in vocational rehabilitation had been included in specialized university curricula.

40. The law in Mongolia made no provision for forced abortions. Indeed, the Ministry of Health and Sports had issued a recent resolution to assure the reproductive health of persons with disabilities, including children, on an equal basis with others. The Ministry had also issued guidelines on how to survey persons with disabilities or their guardians. In all such surveys respect for privacy was paramount. Medical experimentation on human subjects, needless to say, was prohibited.

41. As part of its efforts to achieve the Millennium Development Goals, Mongolia endeavoured to keep HIV/AIDS infection rates low. The media were enlisted to help with preventative campaigns, which included the distribution of educational material in formats accessible to persons with disabilities, such as Braille. According to official figures, there were currently 187 people with HIV/AIDS in Mongolia. More than 500 people were considered at risk of infection.

42. **Ms. Amartugs** (Mongolia) said that Mongolia had had a quota system for the employment of persons with disabilities since 1999. Since 2007, the quota had risen, and companies were required to hire at least 1 person with a disability for every 25 employees. In the future, multiple approaches would have to be adopted, including greater incentives for employers or direct financial assistance, as most companies operating in Mongolia were small, with fewer than 10 employees. Slightly more than one third of the 19,000 persons with disabilities working in Mongolia were salaried; others were the sole proprietors of small businesses or worked for family firms. Greater efforts to ensure that reasonable

accommodation was provided in the workplace were clearly necessary, as was a more flexible approach to the quota system.

43. According to statistics from 2014, working hours and conditions had been adjusted for some 400 persons with disabilities and the Government had disbursed roughly US$ 1.2 million to support the private businesses of persons with disabilities. More than 1,000 persons with disabilities had taken part in short-term vocational training programmes and as a result over 300 of them had found jobs. The Ministry of Labour, supported by a number of international organizations, had plans to train 80 specialists in methods of helping persons with disabilities find work.

44. **Ms. Batdulam** (Mongolia) said that, in an effort to guarantee access to information, a legal framework was being established for the use of sign language, Braille and other forms of communication. The Ministry of Education, Culture and Science had set up a working group to deal with the issue and would shortly put forward a proposal, jointly with the Ministry of Population Development and Social Protection. The European Union had offered aid for a project on developing standards for the use of Braille, but considerable work was necessary to adapt it to Mongolian.

45. Mongolia was a member of the Washington Group on Disability Statistics and a project to improve data collection using the International Classification of Functioning, Disability and Health had been carried out over the period 2005–2009. Every year, in May, around the anniversary of the country's accession to the Convention, the Government, together with NGOs, organized events to raise awareness of the rights of persons with disabilities. Lastly, she said that changes to the law on marriage requirements were indeed being considered but that they did not apply to persons with disabilities.

46. **Ms. Tsolmon** (Mongolia), in reply to the question about the death of a 4-year-old girl, said that for the moment she could provide no information other than that the case was still being investigated.

47. **Ms. Bolormaa** (Mongolia) said that, even before acceding to the Convention, Mongolia, in cooperation with international organizations, had taken part in regional efforts to raise awareness of disability issues and develop a comprehensive approach to dealing with them.

48. **Mr. Munkhbaatar** (Mongolia) said that the right to vote was guaranteed by the Constitution. In some cases, polling officers could collect ballots from the homes of persons with disabilities who were unable to reach polling stations. Persons with disabilities were entitled to stand for public office. A Paralympic medallist had stood in the 2012 legislative elections, for example.

49. Regarding accessible tourism, he said that much of Mongolia was an untamed wilderness best suited to off-road or adventure tourism. The authorities were focusing on infrastructure development, which would eventually make the country a destination more attractive to a broader range of tourists, including those with disabilities.

50. It had been more than five years since Mongolia had acceded to the Convention. The Government was aware of the importance of setting up an independent mechanism to monitor its implementation. For its part, the Ministry of Population Development and Social Protection, as the lead ministry for the coordination of inter-agency efforts to implement the Convention in Mongolia, was most grateful for the Committee's advice and recommendations.

51. **Mr. Kim** Hyung Shik said that, as it considered the progress that States parties made towards the implementation of the Convention, the Committee always bore in mind that Rome had not been built in a day. The delegation, for its part, would do well to bear in mind the importance of strengthening the organizations of persons with disabilities in

Mongolia. The draft law on the rights of persons with disabilities was a welcome development and he urged the State party to ensure that the bill dealt with such topics as inclusive education, discrimination and independent living. He encouraged the delegation to submit written replies to the questions that had not been covered during the dialogue. Lastly, he said that other States parties often made the Committee's concluding observations available to their citizens. He urged Mongolia to do likewise.

*The meeting rose at 1.05 p.m.*